

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,  
Plaintiff,

vs

Case No. 2:09-cr-20264

NANCY WALKER,

Hon. Marianne Battani

Defendant.

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Kimberly Lewis (49412)  
Attorney for Defendant  
615 Griswold Ste 1220  
Detroit, Michigan 48226  
(313) 963-5310

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Louis Gabel  
Assistant United States Attorney  
211 W. Fort Street Ste 2001  
Detroit, Michigan 48226  
(313) 226-9100

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**MOTION AND BRIEF TO WITHDRAW AS  
ATTORNEY FOR DEFENDANT NANCY WALKER**

Now comes KIMBERLY LEWIS, appointed attorney for Defendant NANCY WALKER, and in support of her motion to withdraw as counsel for Defendant Walker, states as follows:

1. Defendant is charged in a two count indictment with Possession of Counterfeit Money in violation of 18 U.S.C. sec. 472 and Possession of a Firearm with Obliterated Serial Number in violation of 18 U.S.C. sec. 922(k).
2. On August 6, 2009, I was assigned to represent Ms. Walker by the Federal Defenders Office.
3. I was informed that Ms. Walker had three prior attorneys and that I would be her fourth and she would be a difficult client.

4. I telephoned the Assistant United States Attorney, (AUSA) Louis Gabel, who was assigned to her case and he provided me with the history of the case and informed me that I could pick up some of the discovery on August 10, 2009. However, he could not have a copy of the CD disk by that date but he would get it to me as soon as possible. He also believed that Ms. Walker wanted to accept the rule 11 previously provided to her.

5. In addition, I spoke to one of the former attorneys assigned to the case and based on that conversation, I made a decision not to visit the defendant until I was in possession of all the facts in the case because she would have questions that I could not answer without all documentation.

6. On August 20, 2009, I received a telephone call from Miriam Siefer of the Federal Defenders Office and she informed me of that the defendant was complaining that I had been appointed on July 18, 2009 and a month had passed without contact with her attorney. As of this date, I still had not received the disc nor did I have a copy of the Rule 11 agreement.

7. On August 24, 2009, I spoke to the AUSA Mr. Gabel and asked for a copy of the Rule 11 a copy of the disc was still not available. Mr. Gabel agreed to email the document. He also informed me that Ms. Walker was calling him.

8. On August 25, 2009, I tried to retrieve the email and the file attachment hadn't gone through.

9. I went to visit the defendant that day and spoke to her for an hour. As I anticipated, she had questions I couldn't answer and I informed her that was the reason I waited to visit.

10. Defendant asked about her guidelines and I explained guidelines in general but informed her that I didn't have a copy of the rule 11 and could not be specific. I read her copy of the rule 11 and explained the calculation of her guidelines and told her I would review them later that day.

11. Defendant indicated that she did not want to pled guilty but wanted a trial. We discussed

the evidence in her case and I gave my opinion and she unhappy with my assessment of the case. The visiting hours for the jail had expired and I knew the Wayne County Sheriff would ask me to leave; therefore I inform defendant that I would come at another time. She became irritable and informed me that she had called my office and our assistant would not take her calls. I explained that there are five attorneys in the office and it is policy not to accept collect calls if the attorney isn't in the office.

12. Defendant asked me not to do anything on her case because she wanted a new lawyer,

13. In reviewing a motion to withdraw, this court generally considers: (the timeliness of the motion, (2) the adequacy of the court's inquiry into the matter, (3) the extent of the conflict between the attorney and client and whether it is so great that it resulted in a total lack of communication preventing an adequate defense, and (4) the balancing factors with the public's interest in the prompt and efficient administration of justice. United States v. Mack, 258 F.3d 548, 556(6th Cir. 2001).

14. There has been a total breach of the attorney client relationship, as indicated in the letter filed with this court on August 31, 2009, making it virtually impossible for the undersigned to represent this individual in any capacity.

15. In looking at the above factors, this court should grant this motion for the reasons that it is early in the proceedings, there has been a complete breakdown of the attorney relationship in communication and there will not be an interference in the efficient administration of justice.

Wherefore, Defendant and defense counsel agree that a new attorney would best serve justice, Defense Counsel respectfully requests she be allowed to withdraw from this case and new counsel should be appointed.

Respectfully submitted,

By: /s/ Kimberly Lewis

Kimberly Lewis  
Attorney for Defendant  
615 Griswold Ste 1220  
Detroit, Michigan 48226  
(313) 963-5310  
[kimberlylewis1@comcast.net](mailto:kimberlylewis1@comcast.net)  
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**CERTIFICATE OF SERVICE**

I certify that on September 3, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF System which will send notification of such filing to the attorneys of record.

Respectfully submitted,

/s/ Kimberly Lewis  
Kimberly Lewis  
Attorney for Defendant  
615 Griswold Street, Suite 1220  
Detroit, MI 48226  
(313) 963-5310  
[kimberlylewis1@comcast.net](mailto:kimberlylewis1@comcast.net)  
Attorney Bar No: P49412